



January 18, 2017

Re: Daniels, et al. v. City of N.Y., et al., No. 16 Civ. 190 (PKC) (JO)) (EDNY)

Dear Judge Orenstein:

I am Plaintiffs' counsel in the above-captioned case. I write to provide the Court with a summary of the proposed discovery requests and notices I served Defendants with on January 16, 2017, prior to the close of the Court's discovery deadline. Defendants thus had these requests and notices, which were served in connection with Plaintiffs' motion for brief discovery extension, Docket No. 63, as they prepared their response in opposition to that motion, Docket No. 64. In case a summary of the proposed targeted discovery is helpful to the Court in advance of the January 25, 2017, conference, Plaintiffs served Defendants with the following proposed discovery requests and notices:

1. One interrogatory seeking the manufacturer, brand and/or lot number for the field tests used.
2. Four document requests seeking copies of:
  - The NYPD Lab worksheets and records supporting the lab analysts' final reports.
  - Field test packaging for the test used by Defendants in this case (test instructions and warnings).
  - Field-test training materials and records, about which Defendants testified at their depositions.
  - Municipal and/or NYPD reports relating to police use of field tests; field tests' reliability relative to other methods of narcotics identification; and/or recommended safeguards to mitigate field tests' actual, potential and/or perceived unreliability in narcotics identification.
3. A notice seeking a brief deposition of the NYPD Lab Analyst Taylor Coughlan, who concluded the substance the CI retrieved on June 30, 2014, was not a controlled substance under New York law.
4. A notice identifying Dr. Brooke Weinger Kammrath as an expert chemist who can offer through report and testimony an opinion regarding the likely reliability of lab and field tests in narcotics identification generally and, through review of lab records relating to the molecular structure of the June 30, 2014, substance, in this case in particular.

Sincerely,

Ryan Lozar